

Applicants: von Bismarck
Appl. No. 09/769,289

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-22 are pending in the application, with claims 1 and 15 being the independent claims.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**"

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

The indication that claims 1-14 are allowed is gratefully noted.

Concerning the claim objections, claim 1 has been amended to introduce a plurality of containers. As such, the recitation of "each individual" is appropriate. Claim 15 already recited "composite containers" and should be acceptable.

Claims 15-22 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 4,836,378 to Lephhardt ("Lephhardt") in view of U.S. Patent No. 4,077,289 to Rudszinat ("Rudszinat") and U.S. Patent No. 4,471,866 to Erdmann ("Erdmann").

It is not clear how claim 1 is allowed while claim 15 is rejected. Claim 15 is essentially a "means for" apparatus claim corresponding to the allowed method claim 1. Claims 1 and 15 are compared below.

<p>1. A method of confining a commodity into one of a plurality of composite containers having a plurality of constituents, comprising the steps of:</p> <p>assembling the constituents into the composite container around the commodity;</p> <p>providing at least some of the constituents with characteristic indicia not later than in the course of the assembling step;</p> <p>processing the characteristic indicia into information which is characteristic of each individual assembled container; and</p> <p>encoding the information upon at least one constituent of the container.</p>	<p>15. Apparatus for confining successive ones of a series of commodities in composite containers each of which has a set of constituents, comprising:</p> <p><i>Conveyo</i> means for conveying successive commodities of the series along a predetermined path;</p> <p><i>assembler</i> means for <u>assembling the constituents</u> of the sets into the containers, [including placing the constituents around successive commodities in a predetermined sequence in successive portions of the path;]</p> <p><i>pointer</i> means for <u>providing at least some constituents</u> of each set <u>with characteristic indicia</u> not later than in the respective portions of said path;]</p> <p><i>processor</i> means for <u>processing the characteristic indicia</u> on said at least some constituents of each set <u>into information which is characteristic of each individual assembled container</u>; and</p> <p><i>encoder</i> means for <u>encoding the information upon each individual container</u>.</p>
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Special attention is drawn to the underlined, bolded portions of claim 15. This language almost verbatim mirrors the language of claim 1.

In any event, it is respectfully submitted that claim 15 is allowable over the combination of Lephhardt, Rudszinat and Bryant.

Claim 15 requires that the composite container has a plurality of constituents. The constituents of the container are then provided with characteristic indicia. This characteristic indicia is processed into information characteristic of the assembled container. In Lephhardt, the identity of the cigarette maker is not “provided” to the constituents of the container. Furthermore, the characteristic indicia is not processed into information which is “characteristic of the assembled container.” The “characteristic indicia” of Lephhardt is characteristic of the maker of the cigarette or characteristic of when the cigarette was made. The claim requires that the information be characteristic of the assembled container.

Claim 15 recites that the information is characteristic of each individual container. In other words, the present invention enables each individual pack to be identified and encoded to prevent package forgery. Lephhardt is directed to a method to encode a magnetic strip with production data that 1) refers to the articles within the pack (e.g., article manufacturing-specific information) and 2) does not identify individual packs.

Rudszinat and Bryant also do not teach these features.

In fact, the Action itself admits: “The prior art of records to Lephhardt, Rudszinat, Bryant et al and all other cited references, taken alone or in combination, fails to teach or fairly suggest

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the specific method of confining a commodity in a composite container having a plurality of constituents comprising, among other steps, providing at least some of the constituents with characteristics indicia and processing the characteristic indicia into information which is characteristic of the composite container as set forth in the claims."

Claim 15 recites these features and should be allowable for the reasons stated in the Action. Claims 16-22 depend from claim 15 and are patentable over any combination of the cited art.

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Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 1-22 is respectfully requested.

Respectfully submitted,



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In the Claims:

Please amend claim 1.

1. (Thrice Amended) A method of confining a commodity in one of a plurality of [a] composite [container] containers having a plurality of constituents, comprising the steps of: assembling the constituents into the composite container around the commodity; providing at least some of the constituents with characteristic indicia not later than in the course of the assembling step; processing the characteristic indicia into information which is characteristic of each individual assembled container; and encoding the information upon at least one constituent of the container.